

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1-18 have been cancelled. New claims 19-29 have been added. Support for the new claims may be found throughout the specification. No new matter has been added as a consequence of these amendments. Upon entry of the amendment, claims 19-29 will be pending.

Claims 6, 8, 9, 10, 12 and 14-17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As the rejected claims have been cancelled, the standing rejection is rendered moot. All pending claims are considered to be in full compliance with 35 U.S.C. §112, second paragraph.

Claims 1-5, 8 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,100,438 ("Kain"). Claims 1-3, 5 and 14-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,853,430 ("Stühler"). Claims 1-3, 5, 8 and 10-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,075,318 ("Kelly"). Claims 1, 5, 6, 8 and 16-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,365,637 ("Zirnstein"). Claims 1, 6, 7, 9 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stühler in view of U.S. Patent 5,260,052 ("Peters").

With regard to the cited references, Applicant submits that the pending new claims of the present invention are not anticipated and are patentable over the cited references for at least the following reasons. Furthermore, unlike the cited references, the present invention is directed toward dispersions comprising agrochemical components, and none of the cited references are believed to teach or suggest the claimed invention.

Specifically, the disclosure of Kain relates to coal-water slurries and the uses of rheology additives. In Stiller, the polyesters from PEG and dimer acid are directed toward the use as thickeners for aqueous surfactant systems. In Kelly, the personal care formulations disclosed provide protection from skin irritants and are derived from esters or polyesters of (poly)carboxylic acids, such as dimer acid. Finally, in Zirnstein, the esters or amides of hydroxyl carboxylic acids, even dimer acid

residues, particularly poly(EO) derivatives, are used as *solubilizers*, not as *dispersants* of solid materials.

Furthermore, Zirnstein clearly makes this distinction (See col. 1, lines 6-23) by stating that the "insoluble" material is "present in dissolved form...." Applicant submits that Zirnstein teaches away from the present invention which is directed towards *dispersing* solid materials that are *insoluble* in water (the carrier medium).

We further direct the Examiner's attention to newly added claims 24-27 and 29. These claims are directed towards suspoemulsions. Thus, any significant solubilizing of the solid agrochemical may destroy the double disperse phase structure of the suspoemulsion. Therefore, Applicant believes the pending suspoemulsion claims are patentable in view of the cited references.

With regard to the 35 U.S.C. §103(a) rejection (Stühler in view Peters), Applicant believes that Peters does not overcome the above noted deficiencies of Stühler.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicant at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

JONES DAY

By: 

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 879-5481

Intellectual Property Group  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
(202) 879-3939 Telephone  
(202) 626-1700 Facsimile

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